IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 12109 of 2004

Between:

S.Thirupathi Reddy, S/o Yakub Reddy,
R/o Raghavendra Nagar, Hanumakonda, Warangal District

..... PETITIONER

AND

1. The Station House Officer, P.S., Rayaparthy, Warangal, Warangal District.
2. The Deputy Commissioner, Prohibition and Excise, Warangal Division, Warangal District.

…..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in seizing Hero Honda Splendor Motor Cycle bearing No.AP-36-H-1278 in Crime No.30/2004 on the file of P.S. Rayaparthy, Warangal District as illegal, arbitrary and without jurisdiction and consequently direct the Respondent to release the Hero Honda Splendor Motor Cycle bearing No.AP-36-H-1278 in favour of the Petitioner.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos 1 and 2: GP FOR HOME

The Court made the following :

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ORDER:

The petitioner's Hero Honda Splendor Motor Cycle bearing No.AP-36-H-1278 was seized and Crime No.30 of 2004 of P.S. Rayaparthy, Warangal District was registered, on an allegation that the same was parked behind the Jeep bearing

No.APO-36-V-2623, which was allegedly carrying liquor bottles. Assailing the seizure of the vehicle, the present writ petition is filed.

Though the interlocutory matters are listed, the matter was heard finally and disposed of by this order.

This Court while admitting the writ petition, directed the respondents to release the vehicle in favour of the petitioner on condition of giving an undertaking that he shall not transfer the vehicle in favour of third parties. Now it is brought to the notice of this Court that though the Crime was registered, no charge sheet is filed in any Court.

In that view of the matter, the writ petition is disposed of directing the respondents that unless and until the petitioner is accused in any crime, they have no right to seize the vehicle. The undertaking given by the petitioner at the time of granting interim stay shall hold good till the police file a final report under Section 173 (2) of the Code of Criminal Procedure, 1973, (Cr.P.C.) before the concerned Magistrate.

The writ petition, with the above observations and directions, is disposed of.

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(**V.V.S. RAO, J)**

June 27, 2005.

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Copy to:

1. The Station House Officer,

   P.S., Rayaparthy, Warangal,

   Warangal District.

2. The Deputy Commissioner,

   Prohibition and Excise,

Warangal Division, Warangal District.

3. Two C.Cs. to the Government Pleader for Home,

   High Court Buildings, High Court of A.P., Hyderabad.(O.U.T.)

4. Two C.D. Copies.

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